

Michigan Department of Civil Service

# REGULATION

<b>Appointing Authority Letter Reference:</b> CS- <del>6930</del> <u>6938</u>	<b>Effective Date:</b> <del>October 29,</del> <u>2000 March 18, 2001</u>	<b>Index Reference:</b> Integrity of Appraisal Methods, Removal from Applicant Pools	<b>Regulation Number:</b>  <b>3.06</b>
<b>Issuing Bureau:</b> Human Resource Services	<b>Rule Reference:</b> Rules 2-6.4 (Penalties), <del>2-19.1 (Appeal of Technical Decision Authorized),</del> 3-1.5 (Integrity of Process), <del>and</del> 3-2.2 (Removal from Applicant Pool), <del>and 8-3.1</del> <u>(Complaint Regarding Technical Decision</u> <u>Authorized)</u>	<b>Replaces:</b> Reg. 3.08 (CS-6896, March 24, 1999 <u>&amp; CS-6930, Oct. 29, 2000)</u>	
<b>Subject:</b> <b>SANCTIONS FOR VIOLATING APPRAISAL METHOD INTEGRITY</b>			

## INDEX

1.	Purpose.....	1
2.	Civil Service Commission Rule Reference.....	1
3.	Definitions .....	3
4.	Standards .....	4

## 1. PURPOSE

This regulation establishes the guidelines for sanctions when a person's conduct violates the integrity of the appraisal process. The Department of Civil Service staff, with approval from a group leader, may invoke these sanctions when staff determines that a person engaged in practices prohibited in rules 3-1.5 or 2-6.4(b).

## 2. CIVIL SERVICE COMMISSION RULE REFERENCE

### *Rule 2-6.4 Penalties*

\* \* \*

- (b) *New hires. If a person given a conditional offer of employment fails or refuses to submit to the preemployment drug test, interferes with a test procedure, or tampers with a test sample, the*

*conditional offer of employment must be rescinded and the person must not be appointed to the position in the classified service. The person also is removed from all applicant pools and is disqualified from appointment to the classified service for a period of 3 years.*

~~**Rule 2-19.1 Appeal of Technical Decision Authorized** — A person directly affected and aggrieved by a technical decision may file a technical appeal within 14 calendar days after the date of mailing of the technical decision. The technical appeal shall be filed with the department of civil service.~~

**Rule 3-1.5 Integrity of Process** — To be considered for appraisal or appointment, an applicant shall comply with the established procedures and processes.

- (a) **Prohibited practices.** During the application, appraisal, or appointment process, a person shall not do any of the following:
  - (1) Make any false statement or omissions of a material fact.
  - (2) Misrepresent education or experience.
  - (3) Engage in deception or fraud.
  - (4) Cheat.
  - (5) Compromise the integrity of the appraisal process.
  - (6) Violate rule 2-6, Drug and Alcohol Testing.
- (b) **Sanctions.** If the department of civil service finds that an applicant has engaged in any prohibited act, the department may do any of the following:
  - (1) Cancel or limit the applicant's eligibility for state employment.
  - (2) Require the separation of the applicant from state employment.
  - (3) Impose any other or additional sanction that is appropriate.

**Rule 3-2.2 Removal from Applicant Pool** — *The department of civil service may remove a person from an applicant pool for any one of the following reasons:*

- (a) *Appointment.*
- (b) *Separation or retirement from state service.*
- (c) *Evidence that the person is unable to perform satisfactorily, with or without reasonable accommodations, the essential duties of the job.*
- (d) *Evidence of conduct that indicates that the person is unfit or unsuitable for appointment.*
- (e) *Conduct that violates rule 3-1.5, Integrity of Process.*
- (f) *Expiration of an applicant pool or eligibility.*

**Rule 8-3.1 Complaint Regarding Technical Decision Authorized**

*An authorized individual, appointing authority, or organization may file a technical complaint with the department of civil service, as provided in this rule and the regulations.*

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### **3. DEFINITIONS**

#### **A. Civil Service Commission Rules Definitions**

- 1. ***Applicant*** means a person who requests to participate in an appraisal process.
- 2. ***Applicant pool*** means a group of applicants whom the department of civil service has determined to be qualified.
- 3. ***Appraisal method*** means a technique used to evaluate job-related knowledge, skills, abilities, competencies, and other qualifications to determine eligibility for a position in the classified service.

#### **4. STANDARDS**

- A.** If the Department of Civil Service finds that a person has engaged in any prohibited act, that person is:
1. Removed from any and all applicant pools and applicant referral mechanisms for a minimum of 3 years.
  2. Prohibited from participating in future appraisal processes for a minimum of 3 years.
  3. Ineligible for appointment to a classified position for a minimum of 3 years.

At the end of the sanctioned period, the person may request reinstatement of applicant pool privileges in writing.

If an appointing authority discovers that a person has engaged in any prohibited act, the agency must notify the Department of Civil Service.

- B.** A person who takes, sells, distributes, circulates, or uses examination material without the express authorization of the Department of Civil Service is removed from any and all applicant pools and referral mechanisms and is prohibited from participating in future appraisal processes, consistent with standard A.
- C.** An appointment to a classified position may be decertified, and the employee may be separated from the position, if the employee has engaged in prohibited practices, as identified in [rules 3-1.5 or 2-6.4\(b\)](#).
- D.** Depending upon the nature and severity of the alleged violation, the Office of Compliance may conduct an investigation. The Department of State Police may also be called upon to participate in the investigation.
- E.** Sanctions applied under this regulation are subject to the technical appeal process, in accordance with rule ~~2-19-8-3~~ and regulations ~~2-038.02~~ and ~~8.04~~.
- F.** Nothing in this procedure precludes the Department of Civil Service from initiating civil action against, or referring for criminal prosecution, anyone who has engaged in any prohibited practices.

## **5. PROCEDURE**

<b><u>Responsibility</u></b>	<b><u>Action</u></b>
<u>Appointing Authority or Complainant</u>	<u>1. Files complaint alleging prohibited practices identified in rule 3-1.5.</u>
<u>Department of Civil Service</u>	<u>2. Investigates suspected violations, with or without, a formal complaint.</u> <u>3. Reviews documentation provided by appointing authority or complainant and investigates further.</u> <u>4. Determines whether a prohibited practice occurred.</u> <u>5. If a prohibited practice occurred, determines appropriate sanction in accordance with rule 3-1.5.</u> <u>6. Enters the sanction on the applicant record in HRMN.</u>

## **CONTACT**

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS-BHRS@state.mi.us.

**NOTE:** Regulations are issued by the State Personnel Director under authority granted in the State of Michigan *Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.